

103^D CONGRESS
2^D SESSION

H. R. 3433

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1993

Ms. PELOSI introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 14, 1994

Additional sponsors: Mr. YATES, Mr. MURTHA, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BECERRA, Mr. BEILENSEN, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BONIOR, Mr. BOUCHER, Mr. BROOKS, Mr. BROWN of California, Mr. BRYANT, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mr. COLEMAN, Mr. CONYERS, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DE LUGO, Mr. DIXON, Mr. DURBIN, Mr. EDWARDS of California, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FAZIO, Mr. FILNER, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GORDON, Mr. HAMBURG, Ms. HARMAN, Mr. HEFNER, Mr. HINCHEY, Mr. HOAGLAND, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mrs. KENNELLY, Mr. LANTOS, Mr. LAROCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEWIS of Georgia, Mrs. LLOYD, Mrs. LOWEY, Mr. McDERMOTT, Mr. McCLOSKEY, Mr. MANTON, Mr. MATSUI, Mr. MARKEY, Mr. MARTINEZ, Mr. MEEHAN, Mrs. MEEK, Mr. MINETA, Mrs. MINK, Mr. MOAKLEY, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PASTOR, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Ms. SCHENK, Mr. SCHUMER, Mr. SERRANO, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON of Mississippi, Mr. THORNTON, Mr. TORRES, Mr. TORRICELLI, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Ms. WOOLSEY, and Mr. WYDEN

A BILL

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. THE PRESIDIO CORPORATION.**

4 (a) ESTABLISHMENT.—There is established within
5 the Department of the Interior a public benefit corpora-
6 tion to be known as the Presidio Corporation (hereinafter
7 in this Act referred to as the “Corporation”). The Cor-
8 poration shall manage, in accordance with the purposes
9 set forth in section 1 of the Act entitled “An Act to estab-
10 lish the Golden Gate National Recreation Area in the
11 State of California, and for other purposes”, approved Oc-
12 tober 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16
13 U.S.C. 460bb), the leasing, maintenance, rehabilitation,
14 repair and improvement of property within the Presidio
15 which is transferred to the Corporation by the Secretary
16 of the Interior (hereinafter in this Act referred to as the
17 “Secretary”).

18 (b) TRANSFER.—The Secretary shall transfer to the
19 Corporation, under such terms and conditions as the Sec-
20 retary deems appropriate, a leasehold in the following
21 properties within the Presidio: the Letterman-LAIR com-
22 plex, Fort Scott, Main Post, and Cavalry Stables, Presidio

1 Hill, Wherry Housing and East Housing, and the struc-
2 tures at Crissy Field, and such other buildings within the
3 Presidio as the Secretary deems appropriate. The lease-
4 hold shall be of sufficient term to enable the corporation
5 to obtain the most beneficial financing arrangements. The
6 Secretary may not transfer to the Corporation any build-
7 ings and housing necessary to house activities of the Na-
8 tional Park Service. The Secretary shall transfer, with any
9 transferred property, all leases affecting the property. All
10 proceeds received by the Presidio Corporation from the
11 leasing of properties managed by the Corporation within
12 the Presidio shall be retained by the Corporation and used
13 to defray the costs of administration, preservation, res-
14 toration, operation, maintenance, repair, and related ex-
15 penses incurred by the Corporation with respect to such
16 properties.

17 (c) BOARD OF DIRECTORS.—(1) The powers and
18 management of the Corporation shall be vested in a Board
19 of Directors consisting of 9 members, as follows:

20 (A) The Director of the National Park Service.

21 (B) Secretary of the Army.

22 (C) Secretary of Transportation.

23 (D) Chairperson, Golden Gate National Park
24 Association.

25 (E) The Mayor of the City of San Francisco.

1 (F) Two members to be appointed by the Sec-
2 retary from recommendations by the Speaker of the
3 House of Representatives and the Majority Leader
4 of the Senate, with national visibility and knowledge
5 and experience in one or more of the fields of envi-
6 ronmental studies, city planning, finance, real estate,
7 engineering, or management.

8 (G) Two individuals who shall be residents of,
9 and who shall be registered voters in, the City and
10 County of San Francisco with knowledge and experi-
11 ence in city planning, finance, and real estate.

12 (2) The Secretary shall further appoint 5 non-voting
13 members, to include:

14 (A) The Executive Director of the National
15 Trust for Historic Preservation.

16 (B) The Chairman of the Golden Gate National
17 Recreation Area Advisory Commission.

18 (C) A representative from among the entities
19 occupying property at the Presidio.

20 (D) Two members to be appointed by the Sec-
21 retary with knowledge and experience in one or more
22 of the fields of city planning, finance, real estate, en-
23 gineering, or management.

24 Each member of the Board of Directors specified in sub-
25 paragraphs (A) through (C) of paragraph (1) may, at the

1 time of appointment, designate (through written notice)
2 an alternate senior official of his department or agency
3 who may serve on the Board in his stead.

4 (d) TERMS OF BOARD MEMBERS.—Each member of
5 the Board of Directors appointed under subparagraphs
6 (F) and (G) of subsection (c)(1) shall serve for a term
7 of 4 years from the expiration of his predecessor's term;
8 except that the Congress, in making the initial appoint-
9 ments to the Board under subparagraph (G), shall appoint
10 1 Director to a term of 2 years and 1 Director to a term
11 of 3 years. Any vacancy on the Board of Directors shall
12 be filled in the same manner in which the original appoint-
13 ment was made, and any member appointed to fill a va-
14 cancy shall serve for the remainder of the term for which
15 his predecessor was appointed. Any member may continue
16 to serve after the expiration of his term until his successor
17 is appointed. No appointed director may serve more than
18 12 years in consecutive terms.

19 (e) ORGANIZATION AND COMPENSATION.—(1) The
20 Board of Directors shall elect a Chairman and a Vice
21 Chairman from among the members of the Board of Di-
22 rectors.

23 (2) Members of the Board of Directors shall serve
24 without pay, but may be reimbursed for the actual and

1 necessary traveling and subsistence expenses incurred by
2 them in the performance of the duties of the Corporation.

3 (3) The Board of Directors shall meet at the call of
4 the Chairman, who shall require it to meet not less often
5 than once every 3 months. A majority of the members of
6 the Board of Directors (or their designated alternates)
7 shall constitute a quorum.

8 (f) STAFF.—The Board of Directors shall have the
9 power to appoint and fix the compensation and duties of
10 an Executive Director and such other officers and employ-
11 ees of the Corporation as may be necessary for the effi-
12 cient administration of the Corporation. Priority consider-
13 ation shall be given to appointing staff (other than the
14 Executive Director) from among persons with knowledge
15 and experience in the fields of finance and real estate (in-
16 cluding property management). Officers and employees of
17 the Corporation may be appointed and compensated with-
18 out regard to the provisions of title 5, United States Code,
19 governing appointments in the competitive service, and
20 may be paid without regard to the provisions of chapter
21 51, and subchapter III of chapter 53, title 5, United
22 States Code (relating to classification and General Sched-
23 ule pay rates).

24 (g) EXPERTS AND CONSULTANTS.—The Board of Di-
25 rectors is authorized to procure the services of experts or

1 consultants, or organizations, including but not limited to
2 urban planners, architects, engineers, and appraisers.

3 (h) AUTHORITIES.—In exercising its powers and du-
4 ties, the Corporation shall act in accordance with the ap-
5 proved General Management Plan, as amended (herein-
6 after in this Act referred to as the “Plan”) or the Act
7 entitled “An Act to establish the Golden Gate National
8 Recreation Area in the State of California, and for other
9 purposes”, approved October 27, 1972 (Public Law 92–
10 589; 86 Stat. 1299; 16 U.S.C. 460bb) and have the follow-
11 ing authorities:

12 (1) The Corporation shall manage, maintain,
13 improve and repair those properties within the Pre-
14 sidio which are transferred to the Corporation by the
15 Secretary.

16 (2) The Corporation shall publish and dissemi-
17 nate information and make known to potential occu-
18 pants, by advertisement, solicitation, or other means,
19 the availability of the property within the Presidio
20 which the Corporation manages.

21 (3) The Corporation may prepare or cause to be
22 prepared plans, specifications, designs, and esti-
23 mates of costs for the rehabilitation, improvement,
24 alteration, or repair of any property managed by the

1 Corporation, and from time to time may modify such
2 plans, specifications, designs, or estimates.

3 (4) The Corporation may enter into contracts,
4 including leases, cooperative agreements, or other
5 agreements with any governmental entity, private or
6 non-profit organization, person, firm, association, or-
7 ganization, or corporation for the occupancy of any
8 property within the Presidio which the Corporation
9 manages.

10 (5) The Corporation shall establish competitive
11 bidding procedures to be used for the issuance of
12 leases and contracts under this Act.

13 (6) The Federal procurement laws and regula-
14 tions shall not apply to the Corporation.

15 (7) The Corporation shall establish (through
16 easements, covenants, regulations, agreements, or
17 otherwise) such restrictions, standards, and require-
18 ments as are necessary to assure maintenance and
19 protection of the property managed by the Corpora-
20 tion.

21 (8) The Corporation may make loans to the oc-
22 cupants of property managed by the Corporation for
23 the preservation, restoration, maintenance, or repair
24 of such property.

1 (9) The Corporation may provide technical as-
2 sistance to the occupants of property managed by
3 the Corporation, to assist such occupants in making
4 repairs or improvements to the property or applying
5 for loans under paragraph (8) of this section.

6 (10) The Corporation may solicit and accept
7 donations of funds, property, supplies, or services
8 from individuals, foundations, corporations, and
9 other private entities, and from public entities, for
10 the purpose of carrying out its duties.

11 (11) The Corporation may retain any revenues
12 from leases or other agreements concerning property
13 managed by the Corporation, including preexisting
14 leases or agreements and any donations, and use the
15 proceeds for any function of the Corporation author-
16 ized by this Act, except for those monies transferred
17 to the Secretary as stipulated in paragraph (12).

18 (12) The Secretary and the Corporation shall
19 agree on an amount of revenues received by the Cor-
20 poration to be transferred to the Secretary, to be ap-
21 plied by the Secretary to maintenance of the com-
22 mon property.

23 (13) The Corporation may borrow money pri-
24 vately to carry out the Corporation's duties, obliga-
25 tions and responsibilities. In connection with such

1 borrowing, the Corporation may issue evidence of in-
2 debtedness and may provide collateral to secure such
3 indebtedness (including, without limitation, a mort-
4 gage or pledge of the Corporation's interest in reve-
5 nues or the leasehold in property transferred by the
6 Secretary by the Corporation). The Corporation may
7 also borrow money from the Treasury of the United
8 States, in such amounts as may be authorized in ap-
9 propriations acts, to carry out the Corporation's du-
10 ties and responsibilities. Such borrowings from the
11 Treasury shall have such maturities, terms, and con-
12 ditions as may be agreed upon by the Corporation
13 and the Secretary of the Treasury and may be re-
14 deemable at the option of the Corporation before
15 maturity.

16 (14) The Corporation may invest any funds not
17 required for immediate use or disbursement, with
18 the approval of the Secretary of the Treasury, in ob-
19 ligations of the United States Government, or obli-
20 gations the principal and interest of which are guar-
21 anteed by the United States Government: *Provided*,
22 That this authority shall not extend to moneys ob-
23 tained from the Government.

24 (15) The Corporation may enter into and per-
25 form such contracts and other transactions with any

1 public agencies and private organizations and per-
2 sons, as may be necessary or appropriate to the con-
3 duct of activities authorized under this Act.

4 (16) The Corporation may execute all instru-
5 ments necessary or appropriate in the exercise of
6 any of its functions under this Act, and may dele-
7 gate to the Executive Director such of its powers
8 and responsibilities as it deems appropriate and use-
9 ful for the administration of the Corporation.

10 (17) The Corporation may obtain by purchase,
11 rental, donation, or otherwise, such goods and serv-
12 ices as may be needed to carry out its duties. In the
13 event of the termination of the Corporation, all
14 property and unexpended funds shall be transferred
15 to the Department of the Interior.

16 (18) The Corporation shall procure insurance
17 against any loss in connection with the properties
18 managed by it.

19 (19) The Corporation may sue and be sued in
20 its name, except that the Directors of the Board
21 shall not be personally liable except for gross neg-
22 ligence.

23 (20) The Corporation may adopt, amend, and
24 repeal bylaws, rules, and regulations governing the

1 manner in which its business may be conducted and
2 the powers vested in it may be exercised.

3 (21) The Corporation shall have perpetual suc-
4 cession.

5 (22) The Corporation shall have an official seal
6 selected by the Board which shall be judicially no-
7 ticed.

8 (23) The Corporation shall have all necessary
9 and proper powers for the exercise of the authorities
10 vested in it.

11 (24) The Corporation may negotiate directly
12 with the State Historic Preservation Office and the
13 Advisory Council on Historic Preservation to develop
14 agreements concerning the reuse of historic struc-
15 tures managed by it, the objective of which shall be
16 to maximize the potential for securing tenants.

17 (i) USE OF FEDERAL PERSONNEL, FACILITIES, AND
18 SERVICES.—The Secretary or other Cabinet officers may
19 provide personnel, facilities, and other administrative serv-
20 ices to the Corporation to assist it in carrying out its du-
21 ties under this Act.

22 (j) TAXES.—Since the exercise of the powers granted
23 by this section will be in all respects for the benefit of
24 the people, the Corporation is hereby declared to be de-
25 voted to an essential public and governmental function and

1 purpose and shall be exempt from all taxes and special
2 assessments of every kind of the United States, the State
3 of California, and its political subdivisions, including the
4 City and County of San Francisco.

5 (k) VOLUNTEERS.—The Secretary may accept, with-
6 out regard to the Civil Service classification laws, rules,
7 or regulations, the services of the Corporation, the Board,
8 and the officers and employees of the Board, without com-
9 pensation from the Department of the Interior, as volun-
10 teers in the performance of the functions authorized here-
11 in, in the manner provided for under Public Law 91–357,
12 as amended (16 U.S.C. 18g et seq.).

13 (l) SAVINGS CLAUSE.—Nothing in this section shall
14 preclude the Secretary from exercising any of his lawful
15 powers within the Presidio.

16 (m) AFFIRMATIVE ACTION.—The Corporation shall
17 ensure that affirmative steps are taken, consistent with
18 other Federal law, to afford equal access and equal oppor-
19 tunities for leases, concessions, contracts, subcontracts,
20 and other contracting and employment opportunities to
21 minorities, women, and other socially and economically
22 disadvantaged individuals, commensurate with local avail-
23 ability.

24 (n) FINANCIAL RECORDS.—The financial records of
25 the Corporation shall be available for inspection by the

1 Secretary at any time and shall be audited by a reputable
2 firm of certified public accountants not less frequently
3 than once each year. Such audit shall be made available
4 to the Secretary and the Congress.

5 (o) APPLICATION OF OTHER LAWS.—All general
6 penal statutes relating to the larceny, embezzlement, or
7 conversion of public moneys or property of the United
8 States shall apply to the moneys and property of the Cor-
9 poration.

10 (p) REVERSION.—In the event of failure or default,
11 all interests and assets of the Corporation shall revert to
12 the United States to be administered by the Secretary.

13 (q) REPORT.—The Corporation shall transmit to the
14 Secretary and the Congress, annually each January and
15 at such other times as it deems desirable, a comprehensive
16 and detailed report of its operations, activities, and accom-
17 plishments under this section.

18 (r) AUTHORIZATION OF APPROPRIATIONS FOR PRE-
19 SIDIO.—For purposes of the Presidio, there is authorized
20 to be appropriated to the Secretary and the Presidio Cor-
21 poration such sums as may be necessary, but the aggre-
22 gate of funds appropriated for purposes of the Presidio
23 under this subsection and under the Act entitled “An Act
24 to establish the Golden Gate National Recreation Area in
25 the State of California, and for other purposes”, approved

- 1 October 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16
- 2 U.S.C. 460bb) may not exceed \$25,000,000 in any one
- 3 fiscal year.

